

Milbank

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July 12, 2022

VIA ECF

Honorable John P. Cronan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Radio Music License Committee, Inc. v. American Society of Composers, Authors
and Publishers and Broadcast Music, Inc., 22-cv-05023*

Dear Judge Cronan:

We write on behalf of Respondent Broadcast Music, Inc. (“BMI”) to request that the Court (1) adjourn the Initial Pretrial Conference (“IPTC”) scheduled for July 25, 2022, as well as the corresponding July 18, 2022 deadline to submit a joint pre-conference letter and proposed case management plan and scheduling order (the “IPTC Filings”) until after the Court resolves the Stay Request (as defined below), and (2) adjourn the deadlines for BMI and the American Society of Composers, Authors and Publishers (“ASCAP”) to respond to the Radio Music License Committee, Inc.’s (“RMLC”) Petition (the “Petition”) (ECF No. 1), until 10 days following the IPTC. All parties consent to both requests.

The Court scheduled the IPTC on July 6, 2022 (ECF No. 23), in response to a request from the RMLC made earlier that day (ECF No. 22). Subsequently, BMI filed an application (the “Application”) for construction of its consent decree before the Hon. Louis L. Stanton in the matter captioned *United States v. Broadcast Music, Inc.*, 64-3787. Concurrent with the Application, BMI filed a Notice of Application for Construction of BMI’s Consent Decree and Request for Mandatory Stay Pursuant to 28 U.S.C. § 137(b)(2) (ECF No. 24) (the “Stay Request”) in this Court. On July 11, 2022, the Court directed the RMLC to respond to the Stay Request by July 18, 2022—the same day the IPTC Filings are due—and invited (but did not require) ASCAP to do the same. See ECF No. 26. It would be inefficient for the parties to detail the contours of a case schedule without direction from the Court on the stay. The parties therefore respectfully request that the IPTC and the deadline for the IPTC Filings be adjourned until after the Court resolves BMI’s Stay

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Request. The RMLC does not oppose the relief sought by this letter, while indicating that it intends to respond to the Stay Request on July 18, pursuant to the schedule set forth in the Court's Order of yesterday.

For substantially the same reasons, the parties request that the Court adjourn the deadlines for BMI and ASCAP to respond to the Petition from July 12, 2022 until 10 days after the Court holds an IPTC in this matter.¹

This is the first request for adjournment or extension of the IPTC, the IPTC Filings, or responses to the Petition.

Respectfully submitted,

/s/ Atara Miller
Atara Miller

cc: All counsel of record

The Court grants these requests. The Initial Pretrial Conference ("IPTC") and the deadlines for the IPTC filings are adjourned *sine die*. Respondents shall respond to the Petition within 10 days of the Court holding the Initial Pretrial Conference. The Clerk of the Court is respectfully directed to close the motion pending at Docket Number 28.

SO ORDERED.

Date: July 13, 2022

New York, New York


JOHN P. CRONAN
United States District Judge

¹ No response is required to a petition in a rate proceeding, but BMI and ASCAP both intend to submit a response to the Petition in the event the proceeding goes forward.